

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

A Regular Meeting of the Aransas Pass City Council was held on Monday, April 18, 2022. A notice of the meeting was posted 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Ramiro Gomez, Mayor Pro Tem Carrie Scruggs and Council Members Vickie Abrego, Jason Knight and Janet Moore were present. Also present was City Manager Gary Edwards and City Attorney Roxann Pais Cotroneo.

1. CALL MEETING TO ORDER.

Mayor Gomez called the meeting to order at 5:30 pm.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

City Manager Gary Edwards gave the invocation and led the Pledge of Allegiance to the Flag.

3. PRESENTATIONS AND PROCLAMATIONS:

3.I. Update by Javier Solis, JM Davidson regarding Conn Brown Harbor Bulkhead Project

4. BOARD AND COMMISSION APPOINTMENTS:

4.I Planning and Zoning Commission

Mayor Gomez submitted the name of Wanese Butler for appointment as a Regular Member for confirmation by the council. A motion was made by Mayor Pro Tem Scruggs to appoint Wanese Butler, seconded by Council Member Knight, and the motion passed.

Next, Mayor Gomez submitted the name of Richard "Sandy" Kubek to serve as Chairman subject to confirmation by the council. A motion was made by Mayor Pro Tem Scruggs to designate Sandy Kubek as Chairman, seconded by Council Member Abrego, and the motion passed.

4.II Zoning Board of Adjustment

A motion was made by Council Member Knight to appoint Debby Hughes as a Regular Member, seconded by Mayor Pro Tem Scruggs, and the motion passed.

5. CONSENT AGENDA:

5.I Approval of March 28, 2022 Special Meeting and April 4, 2022 Regular Meeting Minutes.

A motion was made by Mayor Pro Tem Scruggs to approve Item 5.I, seconded by Council Member Knight, and the motion passed with Council Member Moore abstaining on the March 28, 2022 minutes, and Council Member Abrego abstaining on the April 4, 2022 minutes.

6. **PUBLIC HEARINGS:**

6. I Case No. 2204-01

1. Public hearing on request for Right-of-Way Closure/Abandonment submitted by William Averbach being a 0.315 acre dedicated public roadway measuring 40 feet in width and 343 feet in length, being a part of Farm Lot No. 2, Land Block 239 of the Burton & Danforth Subdivision, recorded in Vol. 1, Pages 62 and 63, Map Records of Aransas County, Texas.

Mayor Gomez declared the public hearing open. Osei Amo-Mensah, City Planner stated that Mr. William Averbach, applicant is requesting to abandon a portion of his property that was previously dedicated as a roadway to allow access to the back property; but this property is now incorporated into a proposed RV Park owned by Mr. Tom Furlow and the need is no more. Mr. Mensah also stated the total width is 40 feet with 25 feet into his property and 15 feet into Mr. Walter Minnich's property. He added that Mr. Minnich does not support closure of the road.

Mr. William Averbach, 315 W. Gile referred to the last survey of the property showing the frontage was 135 by 342.9, and it is a dirt road. Mr. Averbach stated he believes the initial purpose of the road was for ingress/egress to the land lock property in the back. But, now that Mr. Furlow has re-platted the property which includes this property and provides access through other means to the property, he expects the dedication to go away. Mr. Averbach then referred to the dedication which was approved in the 1960s, and a Tax Resale Deed showing he purchased the property approximately six years ago.

Mr. Minnich stated he opposes abandoning the property, because he has been using this property as a driveway to access his home. Mr. Minnich also stated that if it is abandoned, he would need to re-design his driveway system, and the property is a paper street and there is no cost to the city.

Dorothy Averbach, 315 W. Gile stated this roadway has continually been a problem with trespassers and speeding and is a danger to her family and the property in question was a shared driveway and never intended to be a street.

There being no further comments, Mayor Gomez declared the public hearing closed.

2. TABLED

Consider and Act on Ordinance abandoning a 0.315 acre dedicated public roadway measuring 40 feet in width and 343 feet in length, being a part of Farm Lot No. 2, Land Block 239 of the Burton & Danforth Subdivision, recorded in Vol. 1, Pages 62 and 63, Map Records of Aransas County, Texas described as a 25 foot width of the roadway as part of Property #14864 and a 15 foot width of the roadway as part of the Property #14860; as declared by Deed of roadway dedication, defined by metes and bounds, and plat of said closure; and, providing for reversion of said abandoned area to the abutting property owners.

Council Member Moore asked if the request is to abandon the roadway so that the roadway reverts back to Mr. Averbach, and Mr. Minnich responded he is opposing because he wants to remain as is. Mr. Edwards stated now that Mr. Furlow having a large piece of property nearby there would be another ingress/egress, and Mr.

Averbach responded that is correct with the new property he has access through W. Gile, Commercial and Hwy. 35 and in the plans Mr. Furlow has submitted it shows he does not have use for this roadway, and it is not an easement by necessity and no longer necessary.

Mayor Pro Tem Scruggs asked that according to the map how can Mr. Minnich access his property, and Mr. Averbach responded that Mr. Minnich has 15 feet of the 40 feet dedicated roadway and also has a separate driveway. Council Member Moore asked if the RV Park plan has been approved by the Council adding she is hesitant to abandon the roadway at this time. In response to a question from Council Member Abrego, Mr. Mensah responded that Mr. Furlow has submitted his plan and based on the design he does not plan to use the roadway in question. Ms. Abrego then asked if these are the final plans and if the Fire Department has approved the plans, and Mr. Mensah responded the plans have been approved and complete, and does not require council approval. Mr. Edwards then asked if the plans have been approved and complete, do they now require council approval, and Mr. Mensah responded it does not require council approval and are now waiting on construction, but he has closed this portion by design. Mr. Edwards then asked if the wetlands has been approved, and Mr. Mensah responded this is the final stage and it is scheduled to go before the Environmentally Sensitive Area Board on April 26, 2022. Mr. Edwards then clarified that construction cannot begin until the wetlands is complete, and Mr. Mensah responded that is correct.

A motion was made by Council Member Moore to table Item 6.I.2 until Mr. Furlow has a final approved plan, seconded by Council Member Abrego, and the motion passed.

6.II Case No. 2204-08

1. Public hearing on Conditional Use Permit submitted by Crystal Gauthreaux to operate a bar at 402 S. Commercial Street, being Townsite Block 511, Lots 30 through 32, Aransas Pass, Texas, subject to conditions setforth.

Mayor Gomez declared the public hearing open. Mr. Mensah stated that applicant, Crystal Gauthreaux is requesting to operate a bar at 402 S. Commercial, and this case was considered by the Planning and Zoning Commission and they recommend approval by a unanimous vote.

Ms. Gauthreaux stated her plans are to open a bar to provide live entertainment for residents and visitors. Council Member Moore asked if they will have late hours, and Ms. Gauthreaux responded the hours are 3:00 pm to 12:00 am on Monday through Thursday; 3:00 pm to 2:00 am on Friday; 12:00 pm to 2:00 am on Saturday; and 12:00 pm to 12:00 am on Sunday, and does not plan to serve food.

Ms. Gauthreaux added that parking will be an issue. Eric Blanchard, Police Chief agreed that parking will be an issue but does not oppose to the bar.

Lisa Barker, owner of building stated she just purchased the parking lot in the rear, which is 4 lots (100 x 140) but currently has no plans to pave the parking lot at this time, but will add lighting. Council Member Abrego inquired about signage, and Ms. Gauthreaux responded she will install signage and the layout will have a secured rear entrance.

City Attorney Cotroneo recommended including as an additional condition that applicant will comply with federal, state and local regulation.

There being no further comments, Mayor Gomez declared the public hearing closed.

2. Consider and Act on Ordinance granting a Conditional Use Permit to Crystal Gauthreaux to operate a bar at 402 S. Commercial Street, being Townsite Block 511, Lots 30 through 32, Aransas Pass, Texas, subject to conditions setforth.

A motion as made by Mayor Pro Tem Scruggs to approve a Conditional Use Permit for one-year to Crystal Gauthreaux and include the condition that applicant will comply with federal, state and local regulations, seconded by Council Member Abrego, and the motion passed.

6.III Case No. 2204-09

1. Public hearing on amending Ordinance No. 1308, Zoning Ordinance, by amending Part IV, Section 21, Penalty for Violation; repealing all ordinances or parts of ordinances in conflict herewith; providing a severability clause; providing for penalties; and providing an effective date.

Mayor Gomez declared the public hearing open. Mr. Mensah stated this item pertains to increasing the penalty for zoning violations from \$500.00 to \$2,000.00, and this matter was discussed at a previous workshop session.

There being no further comments, Mayor Gomez declared the public hearing closed.

2. Consider and Act on Ordinance amending Ordinance No. 1308, Zoning Ordinance by amending Part IV, Section 21 – Penalty for Violation, repealing all ordinances or parts of ordinances in conflict herewith; providing a severability clause; providing for penalties; and providing an effective date

A motion was made by Council Member Knight to approve Item 6.III.2, seconded by Council Member Moore, and the motion passed.

6.IV Case No. 2204-10

1. Public hearing on amending Ordinance No. 1308, Zoning Ordinance, by amending Section 610.2, Registration-Permit Requirements, Section 610.3, Permit Fees; repealing all ordinances or parts of ordinances in conflict herewith; providing a severability clause; proving for penalties; and providing an effective date.

Mayor Gomez declared the public hearing open. Mr. Mensah stated that this is a zoning text amendment related to mobile food establishments and are proposing amendments to the ordinance, basically allowing vendors to apply without difficulty. Mr. Edwards added these amendments will further streamline the permitting process for vendors.

Council Member Abrego asked if inspections will still be required, and Mr. Edwards responded that inspections will be required.

There being no further comments, Mayor Gomez declared the public hearing closed.

2. Consider and Act on Ordinance amending Ordinance No. 1308, Zoning Ordinance by amending Section 610.2, Registration-Permit Requirements, Section 61033, Permit Fees, repealing all ordinances or parts of ordinances in

conflict herewith; providing a severability clause; providing for penalties; and providing an effective date.

A motion was made by Mayor Pro Tem Scruggs to approve Item 6.IV.2, seconded by Council Member Moore, and the motion passed.

7. CITY MANAGER:

7.I Consider and Act designating a council member to serve on the City's Budget Review Committee for the Fiscal Year 2022-2023

A motion was made by Council Member Moore to appoint Council Member Vickie Abrego to serve on the Budget Review Committee, seconded by Mayor Pro Tem Scruggs, and the motion passed.

7.II 2nd Quarter (January – March) – City Manager Report

Mr. Edwards presented the City Manager 2nd Quarter Report and discussed the following matters: Administrative Activities – filling the following positions: Public Works Director, Building Official, Permit Technician, Human Resources Manager, and anticipates the possibility of more vacancies. He then discussed the following projects: McCampbell/Stapp, Deberry/Saunders/Greenwood, Wehring and Wheeler, Highland/Johnson, and 13th Street, Nelson Avenue and Wilson Avenue; American Rescue Plan Projects – S. 12th Street, 9th/10th Street, N. Whitney/Lamont, and S. McCampbell and Rife; FEMA – CBH Bulkhead, SCADA, Wastewater Treatment Plant, Harbormaster Building, Storm Pumps 1 and 2, Memorial Tower Cross, Emergency Levee Repair, Goodnight Ditch, Force Main Crossing, McCampbell Ditch, TDEM Project, Road Rejuvenation

Mr. Edward then stated the second rank engineer for the Park Improvement Project is scheduled to provide a presentation on April 25th. Lastly, he provided updates on the following projects – CBH Development, Comprehensive Plan, Budget Process, RV Park Ordinance and CBH Environmental.

7.III 2nd Quarter (January – March) – Municipal Court Report

Henri Morales, Municipal Court Judge reported on the quarterly totals and noted that they filed 340 cases; 142 convictions; county magistrations totaled 84; Capias Pro Fines issued 40; Class C Warrants issued was 132; Warrants for CID signed was 37, and they had approximately 156 walk-ins. She reported that the Court continues on taking payments by phone, and also offering teleconferences and video conference in order to meet the Supreme Court's requirements. Ms. Morales stated the city participated in the Texas Warrant Round Up program and it was very successful.

8. COMMUNITY ENRICHMENT:

8.I Consider and Act on a request from Aransas Pass for Youth for use of the Aquatic Pool for their summer camp program on Tuesdays from 12:30 PM – 4:00PM June 15, 2022 through July 29, 2022.

Kaylynn Paxson, Director of Community Enrichment stated that Aransas Pass for Youth has submitted a request to use the Pool from June 15 – July 29, one day a week (Tuesdays) for four hours each day at no cost. She added the cost to the city would be

labor and operations. Ms. Paxson stated she recommends approval. Council Member Abrego asked the cost to the city, and Ms. Paxson responded \$300.00 to \$400.00 for each day. Council Member Moore stated she supports the youth program.

A motion was made by Council Member Knight to approve Item 8.I, seconded by Mayor Pro Tem Scruggs, and the motion passed.

8.II 2nd Quarter (January – March) – Community Enrichment Report

Kaylynn Paxson, Director of Community Enrichment presented the 2nd Quarterly Report for the Aquatic Center and reviewed the highlights for the quarter and stated that the Aquatic Center participated in the 1st Annual Pardigras event and won 1st Place for best vehicle, and they are continuing to prepare for hiring in April and May. Next, she reported on the Library and provided quarter total for library visits, checkouts, overdrive, story time, internet users and Wifi users. Ms. Paxson stated that National Library Week was April 3-9, 2022 and discussed the activities that occurred during this period.

Next, Ms. Paxson reported on the Civic Center and discussed the highlights and totals for church meetings, public events, private events, training days and voting days. Lastly, she reported on the Senior Program and stated that in the month of January they held their first meeting since Hurricane Harvey, and will begin meeting every other week at the Civic Center.

9. DEVELOPMENT SERVICES:

9.I 2nd Quarter (January – March) – Public Works Report

Michael Bonner, Project Manager provided the quarterly report for Public Works and reported on the following Utility totals: water pressure issues – 24, stop sewer calls – 41, water/sewer leak calls and repairs – 41, water/sewer taps – 12, fire hydrant repairs or replacements – 5, meter turn off/on – 34, line maintenance – 49, line locates – 306, samples, - 177, and dead end flushing sites – 186. Next, he reported on the totals for Streets & Drainage: street patches – 97, signs replaced – 100, storm sinkhole repairs – 7, roadside ditches – 70, street sweeping – 40, curb and gutter cleaning – 3, and streets paved – 65. Lastly, Mr. Bonner reports on the following city wide projects: new projects added – 7, projects completed – 1, and total ongoing projects – 25.

9.II 2nd Quarter (January – March) – Community Development Report

Osei Amo-Mensah, Planning Director discussed the quarterly report for the Building Department and Planning and Zoning. He reported on the total number of permits issued and total fees collected for the Building Department. Next, he reported that this quarter, the Planning Department issues a total of 3 permits for Major Subdivision, 1 for Minor Subdivision, 5 Conditional Use Permits, and 4 Variances.

10. FINANCE:

10.I 2nd Quarter (January – March) – Finance Department Report

Sandra Garcia, Director of Finance stated the report will only reflect totals for January and February and then discussed the year-to-date totals. She reported that year-to-date Revenues total to \$13.6 million with Expenditures of \$10 million inclusive of all

funds. Ms. Garcia referred to a graph for the month of February showing revenues collected by department. Ms. Garcia stated that as of February 28, 2022, the Property Tax collected is \$5,580,721; Sales Tax collected is \$1,155,599; MDD Sales Tax collected is \$514,196; and CCPD Sales tax collected is \$512,199. Lastly, she discussed the Water Customer Comparison for February as follows: FY2018 – 3,964 accounts; FY2019 – 4,163 accounts; FY2020 – 4,303 accounts; FY2021 – 4,457 accounts, and FY2022 – 4,574.

10.II 2nd Quarter Investment Report FY2021-2022

Ms. Garcia provided the 2nd Quarter Investment Report and stated the city had a total of \$8.1 million to invest and earned \$3,168 in interest; return on investment is 0.15%, and benchmark of 0.39%. She reported the city's monies are invested in three banks: 15.53% is in Prosperity Bank, 39.33% in TexPool, and 45.13% in Texas Class.

11. **INFORMATION TECHNOLOGY:**

There were no Information Technology items.

12. **PUBLIC SAFETY:**

12.I Consider and Act on approving the Police Chief to sign an agreement with prepared for free online software allowing 911 callers to share live and recorded digital media with public safety Telecommunicators.

Eric Blanchard, Police Chief stated the purpose of this agreement is to allow live and recently recorded media to be shared to 911 telecommunicators from those who call in and report emergencies, and is a free service.

A motion was made by Council Member Moore to approve Item 12.I, seconded by Council Member Knight, and the motion passed.

12.II 2nd Quarter (January – March) – Public Safety Report

Mr. Blanchard reported on the 2nd Quarter highlights for the department and discussed the following: staffing, assistance provided during Texas Round-up, Spring Break calls, lateral transfers by Corpus Christi Police Department, training, illegal dumping, Animal Control staffing, responses pertaining to Victims of Family Violence, and the K-9 Dog.

12.III 2nd Quarter (January – March) – Fire Department Report

Nathan Kelley, Fire Chief reported on the quarterly totals for fires, rescue and emergency medical service, hazardous condition (no fire), service call, good intent calls, and false alarm and false calls. He then provided an update on personnel training hours, and inspections. Mr. Kelley stated during this quarter, the Fire & Ice Ball was held and raised a total of over \$25,000 which will allow the fire department to purchase equipment such as bunker gear, boots, gloves, etc.

13. **CITY COUNCIL OR STAFF ANNOUNCEMENT:**

Mr. Edwards announced that a special council meeting is being scheduled for April 25, 2022 and following is a tentative list of the items scheduled at this meeting: Park

Improvement Project, Proposed Emergency Care Center, Rockport Terminal Waterline, and Proposed Appearance Changes in the Downtown Area.

14. CITIZEN COMMENTS:

Malynda Williams thanked the Council for the security light that was placed at Bay Harbor.

Gilbert Hernandez, stated that near his property there is a residential home operating a business, and is concerned that the newly paved road on Houston Street will be damaged with the heavy equipment traffic related to the business that Rocky & Elisa Chacon are operating.

15. EXECUTIVE SESSION:

The meeting was recessed into Executive Session at 7:43 pm under the provision of Section 551, Texas Government Code to discuss the authority of:

15.I.1 Section 551.071 – Municipal Court Judge.

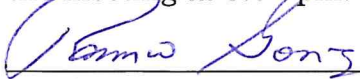
15.II Section 551.071 – Commercial Contract with 630 Ransom Island Partners, LLC (formerly known as Bluewater Partners, LLC) for unimproved property with an Addendum of Special Provisions for Nueces CAD No. 380310, a 28.61 acres of land on Ransom Island Tr. 7, commonly known as 630 E. Ransom, Aransas Pass, Texas.

The council reconvened in open session at 8:03 pm.

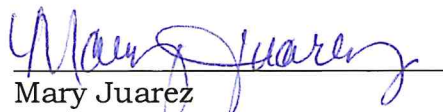
A motion was made by Council Member Moore to approve an amendment with 630 Ransom Island Partners, LLC to grant an extension to October 30, 2022 for unimproved property known as Nueces CAD No. 380310, a 28.61 acres of land on Ransom Island Tract 7, commonly known as 630 E. Ransom Road, Aransas Pass, Texas, seconded by Mayor Pro Tem Scruggs, and the motion passed.

16. ADJOURNMENT:

There being no further business to come before the Council, Mayor Gomez adjourned the meeting at 8:04 pm.



Ramiro Gomez
Mayor



Mary Juarez
City Secretary

Approved on: 5/02/2022